

# MADISON COUNTY PLANNING BOARD

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## Streamside Protection Steering Committee

### Meeting Summary

Tuesday April 8, 2008

First Madison Valley Bank, Basement Meeting Room, Ennis, MT

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#### Attendance:

Planning Board Staff (2): Charity Fechter (planning director), Jim Jarvis (staff planner)  
Steering Committee Members (8): Bill Mercer, Kelly Galloup, Richard Listner, Donna Jones, Gayle Schabarker, Pat Clancy, Chris Murphy, Jeff Laszlo  
Audience (9): Sam Johnson, John East, Duane Thexton, Karen Georgiani, John Theide, Dave Stewart, Brenda and Howard Sheridan, Gary Forney, Sheri Jarvis (scribe).

The meeting was called to order at 6:30 pm by Charity Fechter with greetings and introductions exchanged.

Review of Previous Meeting Summary – J. Jarvis presented and reviewed a summary of the discussion from the last meeting (March 20, 2008).

Review of Public Comments Received on Proposed Ordinance – J. Jarvis directed committee members to a large packet of information containing over 50 pages of public comments received on the proposed streamside protection regulations. Jim presented a summary of the public comments and asked committee members to review the document in its entirety.

Review and Discuss Proposed Ordinance Amendments - Charity Fechter led the committee in a review and discussion of 14 questions intended to clarify the intent and explore amendments of the proposed streamside protection regulation. A very lively conversation ensued relating to the first 6 questions on the list.

1. What are we trying to protect the rivers and streams from? This question explored several possible concerns including, water quality, riparian habitat, flooding, and viewshed. Committee members suggested the following additional concerns, runoff, livestock grazing, hazardous waste, and road construction. Concerns relating to water quality tended to dominate the conversation. Concern was also expressed about the negative impacts of road building, more so than building construction, on water quality. C. Fechter asked if water quality was the most important concern of the committee. Pat Clancey suggested water quality was just one element of a healthy river system that needs to be addressed. Habitat and vegetation also needs to be protected. C. Murphy inquired about flooding on the Madison River and whether FEMA data existed. J. Jarvis responded little data is available. Howard Sheridan, a Jack Creek area property owner, expressed concerns relating to road building and road expansion along small tributaries, such as Jack Creek, as having a significant impact on water quality.

2. Is the proposed planning area described appropriately? The boundaries of the planning area are clear, but all streams within the planning area need to be listed and mapped.

3. What are the affected waterways? A general discussion of stream types lead to the following conclusions. All streams types addressed by the ordinance need to be defined. Ennis Lake needs to be considered. Bill Mercer suggested that small tributaries are potentially just as important as the Madison River. J. Jarvis expressed his opinion that regulation of ephemeral streams would be extremely difficult due to their transitory nature. C. Murphy concurred.

4. How should “new development” be defined? The committee generally expressed that pre-existing (grandfathered) buildings need to be given special consideration. J. Laszlo suggested that, if the county has approved the “development plan” then they should be treated as existing development. The limitations of using the existing “building permit” program were discussed. These permits mainly focused on septic permits and can be easily renewed, presumably indefinitely. No clear resolution was achieved.

5. How should legally constructed, pre-existing structures be addressed? K. Galloup suggested existing buildings must be allowed to rebuild on the existing footprint. R. Lessner concurred and suggested provisions be made to allow for expansion. J. Jarvis suggested that buildings be allowed to expand by 50%, or 1000 sq ft maximum. P. Clancey inquired about a building lost to flood. J. Laszlo suggested that flooded building need to be encouraged to move back from the floodplain.

The committee generally agreed on the following;

Nonconformance (grandfathering)

- a. Existing building should be allowed to rebuild in the same place, if destroyed or razed.
- b. Re-building of structures destroyed by flood should be treated differently, i.e. variance.
- c. Some level of expansion of existing buildings should be allowed

6. How should setbacks on lots too narrow to accommodate the setbacks be treated? K. Galloup suggested special provision be made for narrow lots, so property owners are guaranteed the reasonable right to develop their land. J. Jarvis suggested an adjustable setback be used for small lots that based a setback on 50% of the maximum depth of the lot. No clear resolution was achieved.

Before the meeting was adjourned the committee agreed to address the remaining 8 questions at the next meeting scheduled for May 6, 2008. Based on committee input, amended ordinance language will be prepared for the next meeting. C. Fechter asked the committee if a facilitator was needed for future meetings. The committee did not think that was necessary. C. Fechter asked committee members to put their thoughts for additional amendments in writing.

The next committee meeting is scheduled for Tuesday May 6, 2008 at 6:30 pm in Ennis.

Meeting adjourned: 8:35 pm